

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES TUROWSKI,

Plaintiff,

- against -

TRIARC COMPANIES, INC., NELSON PELTZ,
Chairman & Chief Executive, individually and in
his Official capacity, PETER W. MAY, President
& Chief Operating Officer, individually and in his
official capacity, STUART I. ROSEN, Senior Vice
President and Secretary, Individually and in his
Official Capacity, and JOHN R. BENDER,
individually, and in his official capacity,

Defendants.
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ECF CASE

09 Civ. 3979 (VM)(FM)

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/9/10

STIPULATION OF PARTIAL DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendants, through their respective undersigned counsel, that pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the action is hereby discontinued with prejudice as against Defendant NELSON PELTZ and STUART I. ROSEN only, and without costs or disbursements to any party over or against the other; and

IT IS FURTHER HEREBY STIPULATED AND AGREED, that the caption of Plaintiffs' Complaint shall be amended to delete reference to NELSON PELTZ and STUART I. ROSEN.

Dated: New York, New York
August 5, 2010

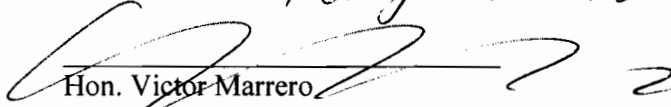
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SO ORDERED:

9 August 2010

Hon. Victor Marrero
United States District Judge